IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.966 OF 2007

Shri.Chandulal Bhiva Holkar ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.Milind Deshmukh advocate for applicant
Mr.K.V.Saste A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 29, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. By order dated 5.3.2007, the applicant has been granted bail by the learned Sessions Judge, Baramati in relation to C.R.No.111 of 2006 of Wadgaon Nimbalkar Police Station. The said case is under Section 304 read with Section 34 of IPC. By the said order, the applicant was directed to deposit an amount of compensation of Rs.3,00,000/- (Rupees three lacs only) which be paid to legal heirs of the deceased as per direction by the Hon’ble High Court of the Judicature at Bombay in

Criminal Application No. 4579 of 2006.

3. It is the prosecution case that on account of water tank bursting in the brick kiln, some persons died.

4. The learned advocate for the applicant submitted that though the applicant has been granted bail on 5.3.2007. He has still not been able to avail of the bail as he was unable to fulfil the said condition. The son of the applicant has already been asked to deposit Rs.3,00,000/- in Cri.Application No.4579 of 2006. It may be stated that Application No.4579 of 2006 was preferred by the son of the applicant and he has deposited part of the said amount and has been granted extension of time to pay the remaining amount. In the present case, the case is pending trial. The learned advocate for the applicant further submitted that the applicant hails from a poor financial background and son of the applicant has already been directed to deposit amount of Rs.3,00,000/-. Though the applicant has been granted bail, he has not been able to avail of the same because of the condition imposed upon by the

Sessions Court. Hence, it is prayed that the condition to deposit amount of Rs.3,00,000/- may be deleted.

5. It is seen that the learned Sessions Judge has imposed condition of depositing Rs.3 lakhs only because the co-accused has been directed to do so. Looking to the fact that the case is pending trial and that evidence has yet to be led and the fact that son of applicant is depositing an amount of Rs.3,00,000/- before this Court, the condition imposed on the applicant of depositing an amount of Rs.3,00,000/- is stayed till disposal of the trial.

6. The applicant to be released on bail on execution of P.R. Bond of Rs.15,000/- (Rs.fifteen thousand only) with surety in the like amount. He shall report to Vadgaon Nimbalkar Police Station once in a month till conclusion of trial.

7. The trial Court shall decide on the point of compensation and quantum thereof at the end of the trial after hearing necessary parties.

8. Application is disposed of.

[V.K.Tahilramani, J.]